

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MASS ENGINEERED DESIGN, INC., <i>et al.</i> ;	§	
	§	
Plaintiffs,	§	CAUSE NO. 2:09-cv-00358
	§	
v.	§	
	§	
9X MEDIA, INC., <i>et al.</i> ,	§	<b>JURY TRIAL DEMANDED</b>
	§	
Defendants.	§	

**JOINT MOTION TO DISMISS DEFENDANT MEDIA MOUNTS, INC.**

WHEREAS, Plaintiffs Mass and Moscovitch (collectively, “Mass”) and MediaMounts, Inc. (“MediaMounts”) have engaged in settlement discussions in an attempt to resolve this case;

WHEREAS, MediaMounts has disclosed certain facts related to its sales of Accused Products; and

WHEREAS, Mass has considered and relied on those facts in reaching its decision to dismiss MediaMounts;

NOW THEREFORE, Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Mass and MediaMounts hereby move the Court for an Order dismissing all claims asserted by MASS against Defendant MediaMounts in this action WITHOUT PREJUDICE, with each party to bear its own costs, expenses, and attorney fees.

DATED: May 18, 2010

Respectfully submitted,

/s/ Stephen F. Schlather \_\_\_\_\_

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/s/ Marvin C. Tyler, with permission  
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*ATTORNEYS FOR MEDIAMOUNTS, INC.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on May 18, 2010. Any other counsel of record will be served by first class U.S. mail.

/s/Stephen F. Schlather  
Stephen F. Schlather